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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/718,106	11/20/2003	Arne Stanarius	S02-0051	9895
27257	7590	03/08/2006	EXAMINER	
KEATY PROFESSIONAL LAW CORPORATION THOMAS S. KEATY 2533 AMERICAN WAY PORT ALLEN, LA 70767			HOWELL, DANIEL W	
			ART UNIT	PAPER NUMBER
			3722	

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary

Application No.

10/718,106

Applicant(s)

STANARIUS ET AL.

Examiner

Daniel W. Howell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

1. Claims 9-11, 16, 20, and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 9, 16, and 20 set forth a particular configuration for the “cutting surface.” Noting that the cutting surface runs between the top and bottom surfaces, the limitations of these claims don’t appear to set forth a disclosed embodiment. However, it is possible that these claims should have referred to the top surfaces instead of the cutting surfaces. Appropriate correction and explanation is needed. In claim 21, “at least of” reads awkwardly.
2. The drawings are objected to because given arrow 190 in figure 14, claim 13 appears to have at least one error. The lines marked as 114, 116, and 118 are basically the clearance surfaces from the cutting edges. It is believed that the cutting edges would extend from the apexes of the angled lines. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner,

the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 3-8, 18, 19, and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Popke (6783306). Figures 3 and 4 show an embodiment having straight cutting edges 28 and 30 with cutting planes extending to the bottom of the insert, plus a connecting surface 32 between the cutting planes. Note that the top and bottom surfaces are flat. Regarding claims 7 and 8, figures 1, 2, and 7 show multi-plane top surface embodiments. Figure 7 shows the staggering in the feeding and cutting directions. Figures 4 and 6 indicate that sets of cutting edges are provided on each of the four sides of the insert, permitting indexing when one set of edges becomes worn.

5. Claims 1-5 and 9 are rejected under 35 U.S.C. 102(b) as being anticipated by Vogel et al (5810519). Figure 2 shows cutting planes 40a, 40b, and 40c, and connecting planes 40d, 40e. Looking at figure 4, the lower left nose/corner would provide the arcuate cutting plane, and plane 40b is straight. Assuming that claim 9 was intended to describe the top surfaces, plane 36b of figure 2 would meet the limitations.

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6. Claims 1-5, 9, 10, 12-14, and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Satran et al (5437522). See figures 16-19. Each of the three sides of the insert has cutting planes 113a, 113b, and 113c adjacent corresponding cutting edges 117a-c. Each of the corners of the insert has an arcuate cutting plane, and edge 117b in particular is straight. Note the connecting planes by edges 121. Assuming that claim 9 meant to set forth the top surface/plane, plane 116b meets these features. Figure 19 shows the insert on a milling tool.

7. Claims 1-5, 9, 10, 12-14, 16-22 are rejected under 35 U.S.C. 102(b) as being anticipated by Satran et al (5158402). Note cutting planes 13a, 13b, 13c, and top planes 16a, b, and c. Each side of the insert has the same configuration. The corners of the inserts have an arcuate cutting plane, and at least edge 17b is straight. As seen from figures 1 and 2, the cutting planes are connected by an obtuse connecting plane, such that the cutting planes are staggered in the cutting and feeding directions. Note the inclinations of figures 1 and 3. Regarding claim 9 and the like claims, assuming that claim 9 was intended to set forth the top planes, plane 16b shows the desired configuration.

8. Claims 1-6 and 12-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kramer (4248553). Note cutting planes 40 on the flat insert 32. Note the right angle of figure 4. Note the connecting planes at obtuse angles. Each corner of the insert has an arcuate cutting plane, and several of the cutting edges are straight.

9. Any inquiry concerning the content of this communication from the examiner should be directed to Daniel Howell, whose telephone number is 571-272-4478. The examiner's office hours are typically about 10 am until 6:30 pm, Monday through Friday. The examiner's supervisor, Boyer Ashley, may be reached at 571-272-4502.

In order to reduce pendency and avoid potential delays, Group 3720 is encouraging FAXing of responses to Office actions directly into the Group at FAX number to 571-273-8300. This practice may be used for filing papers not requiring a fee. It may also be used for filing

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papers which require a fee by applicants who authorize charges to a USPTO deposit account.
Please identify Examiner Daniel Howell of Art Unit 3722 at the top of your cover sheet.

A handwritten signature in black ink, appearing to read 'Howell', written in a cursive style.

Daniel W. Howell
Primary Examiner
Art Unit 3722